

ZB# 81-26

Casey Mans

33-1-8 & 9

81-26 - Mam, Casey

Public Hearing:

7:30 - Dec. 14, 1981

use variance
for display
of mobile homes.

OCD to be notified

11/24/81 - Notices to Sentined ✓

TOWN OF NEW WINDSOR555 Union Avenue
New Windsor, N. Y. 12550**General Receipt**

4793

December 22 19 81Received of Memo Bros., R.U. + Auto Centers, Inc. \$ 50.⁰⁰Fifty and 00/100 DOLLARSFor variance application fee # 81-26

DISTRIBUTION:

FUND	CODE	AMOUNT
50. ⁰⁰	check	

By Pauline G. Townsend/pbTown Clerk

Title



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: December 22, 1981

Raymond H. Bradford, Esq.
425 Robinson Avenue
Newburgh, N.Y. 12550

RE: APPLICATION BEFORE THE ZONING BOARD OF APPEALS
81-26 - C. P. MANS

Dear Mr. Bradford:

This is to confirm that your above application before the New Windsor Zoning Board of Appeals was granted at a meeting held on the 14th day of December, 1981.

A formal decision will be drafted and acted upon at a later date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not hesitate to call me.

Very truly yours,

A handwritten signature in cursive script that reads 'Patricia Delio'.

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Howard Collett, Bldg./Zoning Inspector
Town Planning Board

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----x

In the Matter of the Application of

C. P. MANS

DECISION
USE VARIANCE

81-26.

-----x

WHEREAS, C. P. MANS of 28 Windsor Highway,
New Windsor, New York, has made application before the
and special permit
Zoning Board of Appeals for a use variance/for the purposes of:
Operation of mobile home display on Route 207 across from Stewart Airport;
and

WHEREAS, a public hearing was held on the 14th day of
December, 1981 at the Town Hall, 555 Union Avenue, New
Windsor, New York; and

WHEREAS, applicant appeared with his attorney, Raymond H.
Bradford, Esq., 425 Robinson Avenue, Newburgh, N.Y.; and

WHEREAS, the application was opposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: applicant purchased property in 1976
and at that time the area to the north and east had commercial establish-
ments such as garages, gasoline stations and the area to the west had
other establishments such as bar and grill;

3. The evidence shows: applicant intends to establish mobile
home sales and display lot off Route 207, opposite Stewart Airport main
gate on a lot which is 300 ft. by 400 ft.;

4. The evidence shows: that there will be no residents
residing within the mobile homes;

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a use variance/^{and special permit}as applied for and in connection with plans presented at the public hearing, with the following restrictions: (1) Hrs. of operation-8 a.m. to 8 p.m., 6 days per wk. and from 12 noon to 5 p.m.
BE IT FURTHER, on Sunday.

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: May 13, 1982

Chairman

RECEIVED
ATTORNEYS OFFICE
TOWN OF NEW WINDSOR

DEC 10 1981

BY: Patricia Delio

625 Little Britain Road
Newburgh, New York 12550
Dec. 8, 1981

Gentlemen:

Reference is made of Appeal No. 26, Request of C. P. Mans
for a variance of the Zoning Ordinance.

I am unable to attend the hearing on Dec. 14, 1981 due to
a previous committment but ~~will~~ feel this letter will suffice
to voice my objection to the granting of the variance for
the following reasons:

1. It is my belief that an operation of the type pro-
posed is very unsightly and would take on the appearance of
that eyesore of a similar operation next to the Post Office
at Vails Gate.
2. The entrance road to the Silver Stream Trailer Park
is adjacent to the property involved and the children from
the park gather there to board the school bus. I feel that
the mobile home operation would add greatly to an already
dangerous condition.
3. The area has no Town supplied water and a constant use
of such for cleaning many mobile homes, etc could deplete the
water source of many homes in the area. Further, the black-
topping of large surfaces causes the water to run into the
sewer which otherwise would seep into the ground to insure
against the wells drying up.

Sincerely,

Fred R. Anderson
Fred R. Anderson

OCPD

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

81-26
(Number)

11-24-81
(Date)

I. Applicant information:

- (914) 562-3400
- (a) C.P. Mans, 28 Windsor Highway, New Windsor, NY 12550
(Name, address and phone of Applicant)
- (b) N/A
(Name, address and phone of purchaser or lessee)
(914) 561-2727
- (c) Raymond H. Bradford, 425 Robinson Ave., Newburgh, NY 12550
(Name, address and phone of attorney)
Engineer (914) 794-4882
- (d) Sidney L. Horowitz, C.E., 12 Franklin Ave. Monticello, NY 12701
(Name, address and phone of broker)

II. Application type:

- ☒ Use variance
- ☐ Area variance
- ☐ Sign variance
- ☒ Special permit

III. Property information: Tax Map 33-1-9 and 33-1-8

- (a) N-C 300' by 400+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? C Zone
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Part in 1976 balance in 1979

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

81-26.
(Number)

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I. Applicant information:

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- (a) C.P. Mans, 28 Windsor Highway, New Windsor, NY 12550
(Name, address and phone of Applicant)
- (b) N/A
(Name, address and phone of purchaser or lessee)
(914) 561-2727
- (c) Raymond H. Bradford, 425 Robinson Ave., Newburgh, NY 12550
(Name, address and phone of attorney)
Engineer
(914) 794-4882
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III. Property information: Tax Map 33-1-9 and 33-1-8

- (a) N-C (Zone) (Address) (§ B L) 300' by 400+
(Lot size)
- (b) What other zones lie within 500 ft.? C Zone
- (c) Is a pending sale or lease subject to ZBA approval of
this application? No
- (d) When was property purchased by present owner? Part in 1976
balance in 1979
- (e) Has property been subdivided previously? No When?
- (f) Has property been subject of variance or special permit
previously? No When?
- (g) Has an order-to-remedy violation been issued against the property by
the Zoning Inspector? . If so, when .
- (h) Is there any outside storage at the property now or is any proposed?
Describe in detail. See attached plan



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

To establish a mobile home sales and display off of Rt. 207

opposite Stewart Airports main gate, see plan attached.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Area to the North and East have garages, filling stations and other commercial establishments. Area to the West and adjacent is a bar and grill.



V. Area variance: N/A - Since no buildings will be constructed, no sanitary facilities will be developed - no construction.

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____	_____ %	_____ %

(Describe proposed use)

To establish a mobile home sales and display off of Rt. 207

opposite Stewart Airports main gate, see plannattached.

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Area to the North and East have garages, filing stations and other commerical establishments. Area to the West and adjacent is a bar and grill.



V.

Area variance: N/A - Since no buildings will be constructed, no sanitary facilities will be developed - no construction.

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yard		
Reqd. Side Yards	/	/
Reqd. Rear Yard		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Development Coverage* %	%	%
Floor Area Ratio**		

* Residential districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

The attached plan showing applicant will have in the
proposed area as shown in the plan approximately 10 homes
for display and sale. All front yard and side and rear
yard requirements are met. Adequate parking is provided.
Any operations for sales will be operated from one of these
homes. No one will be living in them.



VI. Sign Variance: N/A

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or</u> <u>Available</u>	<u>Variance</u> <u>Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

N/A

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

N/A

The attached plan showing applicant will have in the
proposed area as shown in the plan approximately 10 homes
for display and sale. All front yard and side and rear
yard requirements are met. Adequate parking is provided.
Any operations for sales will be operated from one of these
homes. No one will be living in them.

☐ VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law,
 Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
<hr/>			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a
 variance, and set forth your reasons for requiring
 extra or oversize signs.

_____ N/A _____

(c) What is total area in square feet of all signs on premises including
 signs on windows, face of building, and free-standing signs?

_____ N/A _____

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

See plan attached showing the mobile homes.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Curb cuts already in Highway. Electricity already there.

No screening needed.

☐ IX. Attachments required:

X Copy of letter of referral from Building and Zoning Inspector.

X Copy of ^{deed} ~~contract of sale~~, lease or franchise agreement.

X Copy of tax map showing adjacent properties

X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

N/A Copy(ies) of sign(s) with dimensions.

X Check in amount of \$ 50.00 payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping

- (b) Describe in detail the use and structures proposed for the special permit.

See plan attached showing the mobile homes.

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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N/A Copy(ies) of sign(s) with dimensions.

X Check in amount of \$ 50.00 payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

N/A Other

X. AFFIDAVIT

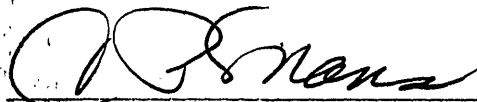
Date November 24, 1981

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.



(Applicant)

C. P. MANS

Sworn to before me this

24th day of November, 19 81,



RAYMOND H. BRADFORD
Notary Public, State of New York
Qualified in Orange County
My Commission Expires March 30, 1982

XI. ZBA Action:

(a) Public Hearing date _____

(b) Variance is _____

Special Permit is _____

(c) Conditions and safeguards: _____

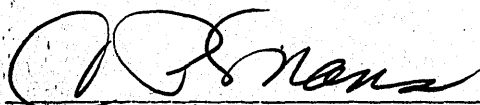
A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY

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Notary Public, State of New York
Qualified in Orange County
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XI. ZBA Action:

(a) Public Hearing date _____

(b) Variance is _____

Special Permit is _____

(c) Conditions and safeguards; _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



Louis Helmbach
County Executive

RECEIVED
TOWN OF NEW WINDSOR

DEC 11 1981

BY *Patricia Delis*

**Department of Planning
& Economic Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

December 9, 1981

Mr. Richard Fenwick, Chairman
Town of New Windsor Z B A
555 Union Avenue
New Windsor, New York 12550

Re: C. P. Mans
Variance
Our File No. NWT-17-81M

Dear Mr. Fenwick:

Our office has reviewed the above application in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return this matter to your Board for final local determination.

Very truly yours, .

Peter Garrison
Commissioner of Planning

Reviewed by Joel Shaw
Senior Planner

PG:rtt
Enclosure

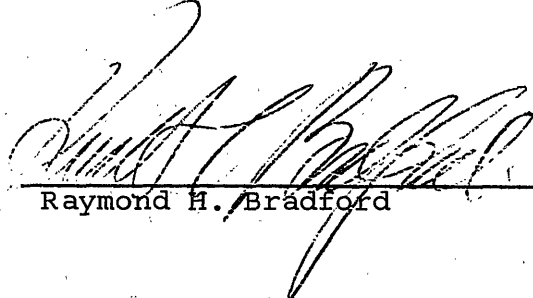
RE: ZONING BOARD
APPEARANCE

APPEAL # 26

C.P. MANS

THIS IS TO CERTIFY that certified letters, return receipt requested were sent to all of the property owners within 500 feet of the above mentioned subject property on December 2, 1981 and enclosed are all of the attached receipts for said mailings along with a copy of the Notice of Hearing.

Dated: December 14, 1981



Raymond H. Bradford

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-33A of the
Zoning Ordinance on the following proposition:

Appeal No. 26

Request of C. P. MANS

for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
display
permit mobile homes/, sales and service

being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-9 - Table of Use Regs. - Col. A
for property situated as follows:

Route 207 - Opposite Stewart Airport Main Gate,
Town of New Windsor, N.Y.

SAID HEARING will take place on the 14th day of
December, 19 81, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman



1763

OFFICE OF THE ASSESSOR.

TOWN OF NEW WINDSOR

Sole Assessor
Paula King
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Nov. 25, 1981

Mr. Clarence P. Mans
Box 247
Vails Gate, N.Y.

Re: 33-1-9

Dear Mr. Mans:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads 'Paula Sarvis'.

PAULA SARVIS
ASSESSOR
Town of New Windsor



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor

Paula King

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

24

✓ Bivona Vincent Sr.
c/o Mr. & Mrs. A. Bilello
649 Little Britain Road
New Windsor, N.Y. 12550

○ Panella Rocco & Elizabeth
105 Mt. Airy Road
New Windsor, N.Y. 12550

✓ Bilello Anthony & Rose
649 Little Britain Road
New Windsor, N.Y. 12550

○ Ferm Realty
250 So Middletown Road
Nanuet N.Y. 10954

✓ Jovin Construction Corp.
643 Little Britain Road
New Windsor, N.Y. 12550

○ Stewart Rt 207 Associates
250 So Middletown Rd.
Nanuet N.Y. 10954

✓ Ayers Donald C & Gisela
107 Mt. Airy Road
New Windsor, N.Y. 12550

○ Rivera Jose A
295 Washington Ave.
Brooklyn, N.Y. 11201

✓ Bennett Gerard A & Marie T
2 Elizabeth Lane
New Windsor, N.Y. 12550

○ Ogden David
4 Elizabeth Lane
New Windsor, N.Y. 12550

✓ Congelosi Catherine M
6 Elizabeth Lane
New Windsor, N.Y. 12550

✓ Tenewitz Kathleen
8 Elizabeth Lane
New Windsor, N.Y. 12550

✓ Venuto Andrew J & Mary
10 Elizabeth Lane
New Windsor, N.Y. 12550

✓ Zerillo William & Abbie
7 Elizabeth Lane
New Windsor, N.Y. 12550

○ Evangelisto Joseph J & Clotilda R
5 Elizabeth Lane
New Windsor, N.Y. 12550

✓ Miller Irene
3 Elizabeth Lane
New Windsor, N.Y. 12550

✓ Krueger Gordon R
1 Elizabeth Lane
New Windsor, N.Y. 12550

✓ Bivona Andrew Jr
3 Lynn Place
New Paltz, N.Y. 12561

✓ Torres Modesto Jr & Gloria
MD 35 Rt 207
New Windsor, N.Y. 12550

✓ Sladeski Frank & Catherine S
635B Little Britain Road
New Windsor, N.Y. 12550



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor

Paula King

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808



Bivona Frank & Rose
633 Little Britain Road
New Windsor, N.Y. 12550



Anderson Fred & Mary F
625 Little Britain Road
New Windsor, N.Y. 12550



Bivona Charles J & Elizabeth M
189 Lakeside Road
Newburgh, N.Y. 12550



Pellechia Fred N & Edith
601 Little Britain Road
New Windsor, N.Y. 12550

RAYMOND H. BRADFORD

COUNSELLOR AT LAW

125 ROBINSON AT NORTH

NEWBURGH, NEW YORK 12550

(914) 561-2727

December 1, 1981

**Orange County Planning Department
214 Main Street
Goshen, New York 10924**

**Re: C. P. Mans
Variance - Route 207
New Windsor, NY 12550
Re: My File No. 9372**

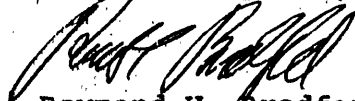
Gentlemen:

**Enclosed Notice of Public Hearing before Zoning
Board of the Town of New Windsor set for December 14, 1981.**

**Also enclosed copy of Plot Plan showing approximately
the locations that the mobile homes will be for sales and
service only. There will be no habitation in any of them.**

**The State Department of Transportation has already
installed the necessary curb cuts and so forth.**

Very truly yours,



Raymond H. Bradford

**RHB/dsc
Encl.**

RAYMOND H. BRADFORD
COUNSELLOR AT LAW
125 ROBINSON AT NORTH
NEWBURGH, NEW YORK 12550
(914) 561-2727

December 1, 1981

New York State Department
of Transportation
Dickson Street
Newburgh, New York, 12550


Re: C. P. Mans
Variance - Route 207
My File No. 9372

Gentlemen:

Enclosed copy of Notice of Public Hearing for
special use in the district opposite Stewart Airport's
main gate for the owner to have a mobile home sales
and service. The attached plan shows the proposal.

You have already installed the necessary curb
cuts when you had ~~your~~ road improvement program. I
submit this to you for any comments you may care to
make.

Very truly yours,



Raymond H. Bradford

RHB/dsc
Encl.

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS BEFORE ZBA - December 14, 1981
DATE: December 7, 1981

Please be advised that there are three(3) public hearings scheduled to be heard before the Zoning Board of Appeals on December 14, 1981:

7:30 p.m. - BRUNO BROS.

C. P. MANS (Route 207)

CHESTER SAWYER

I have attached hereto copies of the completed applications together with copies of the public hearing notices which were published in The Sentinel.

Pat

/pd

Enclosures

cc: Howard Collett, Bldg./Zoning Inspector



Louis Heimbach
County Executive

**Department of Planning
& Economic Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

December 1, 1981

Mr. Richard Fenwick, Chairman
Town of New Windsor Z B A
555 Union Avenue
New Windsor, New York 12550

Re: C. P. Mans
Variance
Our File No. NWT-15-81M

Dear Mr. Fenwick:

We have reviewed the above application in accordance with the provisions of Section 239, l and m, Article 12-B, of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination.

Sincerely,

Peter Garrison
Commissioner of Planning

Reviewed by Joel Shaw
Senior Planner

PG:rtt
Enclosure

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

DEC 3 1981

BY:

81-26

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date Nov 10, 1981

To C. P. MANS
VAILS GATE
N. Y.

PLEASE TAKE NOTICE that your application dated Nov 9, 1981
for permit to ESTABLISH MOBILE HOME SALES & DISPLAY
at the premises located at ROUTE 207 OPPOSITE STEWART AIRPORT
MAIN GATE

is returned herewith and disapproved on the following grounds:

MOBILE HOME SALES PERMITTED ONLY IN A
"C" DISTRICT — SAID PROPERTY ZONED "NC"

33-1-9
33-1-8

use variance

C ZONE
COLUMN A #4

Herbert R. [Signature]
Building Inspector

968 2160
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 2nd day of July, nineteen hundred and seventy-nine
BETWEEN CHARLES J. BIVONA, M.D., residing at (no number) Odell Circle,
Town of Newburgh, Orange County, New York,

party of the first part, and C. P. MANS, residing at 16 Tamara Lane, Cornwall,
Orange County, New York, also known as Clarence P. Mans

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100 (\$10.00) ----- dollars,

lawful money of the United States, and other good and valuable considerations paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange and State of New
York, bounded and described as follows:

BEGINNING at a point in the southerly bounds of State Route 207 leading
from Newburgh to Little Britain said point being the northeasterly
corner of lands now or formerly of Vincent Bivona, Sr., and runs thence
along the said Vincent Bivona, Sr. lands south 6° 03' east 391.0 feet
to a point which marks the northeasterly corner of lands conveyed by
Andrew Bivona and Anna Bivona to Silver Stream Trailer Court, Inc. by
deed dated January 17, 1964 and recorded in Orange County Clerk's
Office on March 16, 1964 in Liber 1658 cp 944; thence along the same
north 63° 44' east 429.85 feet to a point in the center of the westerly
end of an existing culvert under a 50 foot wide roadway; thence along
the westerly side of said roadway approximately 400 feet to a point in
the southerly bounds of Rt. 207 as aforesaid; the last 185 feet of this
course being along the easterly side of the residence parcel of Andrew
Bivona; thence along the said highway south 63° 44' west 420.12 feet to
the point or place of beginning.

BEING a portion of the premises described in a certain deed Vincent
Bivona, Jr. et al to Andrew Bivona dated March 9, 1946 and recorded in
the Orange County Clerk's Office on March 18, 1946 in Liber 988 of
Deeds at page 342.

EXCEPTING, HOWEVER, from the above described premises the following
three parcels:

PARCEL 1 (Exception) Premises in a certain mortgage Andrew Bivona to
New Paltz Savings Bank dated June 16, 1954 and recorded in the Orange
County Clerk's Office on June 17, 1954 Liber 1114 mp 200 and described
therein as follows:

BEGINNING at a stake set on the south

party of the first part, and C. P. MANS/ residing at 16 Tamara Lane, Cornwall,
Orange County, New York, also known as Clarence P. Mans

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100 (\$10.00) ----- dollars,

lawful money of the United States, and other good and valuable considerations paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being in the Town of New Windsor, County of Orange and State of New
York, bounded and described as follows:

BEGINNING at a point in the southerly bounds of State Route 207 leading
from Newburgh to Little Britain said point being the northeasterly
corner of lands now or formerly of Vincent Bivona, Sr., and runs thence
along the said Vincent Bivona, Sr. lands south 6° 03' east 391.0 feet
to a point which marks the northeasterly corner of lands conveyed by
Andrew Bivona and Anna Bivona to Silver Stream Trailer Court, Inc. by
deed dated January 17, 1964 and recorded in Orange County Clerk's
Office on March 16, 1964 in Liber 1658 cp 944; thence along the same
north 63° 44' east 429.85 feet to a point in the center of the westerly
end of an existing culvert under a 50 foot wide roadway; thence along
the westerly side of said roadway approximately 400 feet to a point in
the southerly bounds of Rt. 207 as aforesaid; the last 185 feet of this
course being along the easterly side of the residence parcel of Andrew
Bivona; thence along the said highway south 63° 44' west 420.12 feet to
the point or place of beginning.

BEING a portion of the premises described in a certain deed Vincent
Bivona, Jr. et al to Andrew Bivona dated March 9, 1946 and recorded in
the Orange County Clerk's Office on March 18, 1946 in Liber 988 of
Deeds at page 342.

EXCEPTING, HOWEVER, from the above described premises the following
three parcels:

PARCEL 1 (Exception) Premises in a certain mortgage Andrew Bivona to
New Paltz Savings Bank dated June 16, 1954 and recorded in the Orange
County Clerk's Office on June 17, 1954 Liber 1114 mp 200 and described
therein as follows:

BEGINNING at a stake set on the southerly bounds of State Route 207
leading from Newburgh to Little Britain said stake being north 63° 44'
east 292.6 feet from the northeast corner of lands of Vincent Bivona, Sr.
and runs from thence along the lands of Andrew Bivona south 13° 12'
east 184.44 feet to a stake, thence along the same north 63° 44' east
110.0 feet to a stake on the westerly bounds of a proposed street,
thence along the westerly bounds of said street north 5° 48' west 60.0

feet to an iron pipe, thence along the same north 16° 28' west 125.0 feet to an iron pipe on the southerly bounds of the aforementioned state road, thence along said state road south 63° 44' west 110.0 feet to the place of beginning and containing 0.469 acres of land be the same more or less.

PARCEL 2 (Exception) Premises in a certain deed Andrew Bivona to Andrew Bivona and Joseph Bonomolo dated March 31, 1955 and recorded in the Orange County Clerk's Office on April 1, 1955 in Liber 1340 cp 543 and described therein as follows:

BEGINNING at an iron pipe set on the southerly bounds of Route 207 leading from Newburgh to Little Britain, said pipe being North 63° 44' east 167.6 feet from the northeast corner of lands of Vincent Bivona, Sr. and runs from thence through the lands of Andrew Bivona south 24° 44' east 121.8 feet to an iron pipe, thence through the same north 63° 44' east 100.0 feet to an iron pipe set in the line of the house lot of Andrew Bivona, thence along said lot north 13° 12' west 125.0 feet to a stake on the southerly bounds of the aforementioned State Road, thence along the southerly bounds of said State Road south 63° 44' west 125.0 feet to the place of beginning. Containing 0.314 acres of land more or less.

PARCEL 3 (Exception) Premises in a certain deed Andrew Bivona to California Oil Company dated March 27, 1961 and recorded in the Orange County Clerk's Office on March 30, 1961 in Liber 1587 of Deeds at page 462 and described therein as follows:

BEGINNING at a point on the southerly line of Little Britain Road (New York State Route No. 207) at the northwesterly corner of lands conveyed by D. Jobe, Inc. to the California Oil Company by deed dated January 29, 1959, and recorded January 30, 1959 in Liber 1490 of Deeds at page 315, in the Orange County Clerk's Office, which point is distant easterly 695.96 feet measured along the southerly line of Little Britain Road from the easterly line of Bethlehem Road; running thence South 24 degrees 44 minutes east along the southwesterly line of the lands conveyed to the California Oil Company as aforesaid 24.50 feet; thence South 63 degrees 44 minutes west parallel with the southerly line of Little Britain Road 23.5 feet; thence north 81 degrees 39 minutes 20 seconds west 43.13 feet to a point in the southerly line of Little Britain Road distant westerly 636.96 feet from the easterly line of Bethlehem Road; and thence north 63 degrees 44 minutes east along the southerly line of Little Britain Road 59.0 feet to the point or place of beginning.

TOGETHER with the right of way over the premises conveyed to California Oil Company by the aforesaid deed recorded in Liber 1587 cp 462 as the same was reserved in the said deed provided the use of such right of way shall not in any way interfere with the use and occupancy of the said premises by California Oil Company, its successors and assigns,

TOGETHER with a right of way and easement to use the 50 foot wide roadway adjoining the above described premises partially along its easterly side for all ordinary purposes of ingress and egress until such time as the said roadway becomes dedicated to and accepted by the Town of New Windsor as a public street.

SUBJECT to grants of record to public utilities.

SUBJECT to zoning ordinances and building regulations of the Town of New Windsor.

This deed is given for the purpose of correcting an error in the description in a certain deed executed and delivered by the party of the first part herein to the party of the second part herein dated September 24, 1964 and recorded in the Orange County Clerk's Office on

LIBER 2136
the Orange County Clerk's Office on April 1, 1955 in Liber 1340 cp 543 and described therein as follows:

BEGINNING at an iron pipe set on the southerly bounds of Route 207 leading from Newburgh to Little Britain, said pipe being North 63° 44' east 167.6 feet from the northeast corner of lands of Vincent Bivona, Sr. and runs from thence through the lands of Andrew Bivona south 24° 44' east 121.8 feet to an iron pipe, thence through the same north 63° 44' east 100.0 feet to an iron pipe set in the line of the house lot of Andrew Bivona, thence along said lot north 13° 12' west 125.0 feet to a stake on the southerly bounds of the aforementioned State Road, thence along the southerly bounds of said State Road south 63° 44' west 125.0 feet to the place of beginning. Containing 0.314 acres of land more or less.

PARCEL 3 (Exception) Premises in a certain deed Andrew Bivona to California Oil Company dated March 27, 1961 and recorded in the Orange County Clerk's Office on March 30, 1961 in Liber 1587 of Deeds at page 462 and described therein as follows:

BEGINNING at a point on the southerly line of Little Britain Road (New York State Route No. 207) at the northwesterly corner of lands conveyed by D. Jobe, Inc. to the California Oil Company by deed dated January 29, 1959, and recorded January 30, 1959 in Liber 1490 of Deeds at page 315, in the Orange County Clerk's Office, which point is distant easterly 695.96 feet measured along the southerly line of Little Britain Road from the easterly line of Bethlehem Road; running thence South 24 degrees 44 minutes east along the southwesterly line of the lands conveyed to the California Oil Company as aforesaid 24.50 feet; thence South 63 degrees 44 minutes west parallel with the southerly line of Little Britain Road 23.5 feet; thence north 81 degrees 39 minutes 20 seconds west 43.13 feet to a point in the southerly line of Little Britain Road distant westerly 636.96 feet from the easterly line of Bethlehem Road; and thence north 63 degrees 44 minutes east along the southerly line of Little Britain Road 59.0 feet to the point or place of beginning.

TOGETHER with the right of way over the premises conveyed to California Oil Company by the aforesaid deed recorded in Liber 1587 cp 462 as the same was reserved in the said deed provided the use of such right of way shall not in any way interfere with the use and occupancy of the said premises by California Oil Company, its successors and assigns,

TOGETHER with a right of way and easement to use the 50 foot wide roadway adjoining the above described premises partially along its easterly side for all ordinary purposes of ingress and egress until such time as the said roadway becomes dedicated to and accepted by the Town of New Windsor as a public street.

SUBJECT to grants of record to public utilities.

SUBJECT to zoning ordinances and building regulations of the Town of New Windsor.

This deed is given for the purpose of correcting an error in the description in a certain deed executed and delivered by the party of the first part herein to the party of the second part herein dated September 24, 1964 and recorded in the Orange County Clerk's Office on September 28, 1964 in Liber 1681 of Deeds at page 568, wherein the third exception and a certain right of way were inadvertently omitted.

BEING the same premises conveyed by Andrew Bivona, by his attorney-in-fact, Andrew Bivona, Jr., to Charles J. Bivona by deed dated October 13, 1964 and recorded in the Orange County Clerk's Office in Liber 1684 of deeds at page 46 on October 14, 1964.

(SEE ATTACHED RIDER)

RIDER TO DEED
BIVONA TO MANS

ALL that certain piece or parcel of land, situate in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a stake set on the southerly bounds of State Route #207 leading from Newburgh to Little Britain said stake being North 63° 44' East 292.6 feet from the northeast corner of lands of Vincent Bivona, Sr., and runs from thence along the lands of Andrew Bivona South 13° 12' East 184.44 feet to a stake, thence along the same North 63° 44' East 110.0 feet to a stake on the westerly bounds of a proposed street, thence along the westerly bounds of said street North 5° 48' West 60.0 feet to an iron pipe, thence along the same North 16° 28' West 125.0 feet to an iron pipe on the southerly bounds of the aforementioned State Road, thence along said State Road South 63° 44' West 110.0 feet to the place of beginning, and containing 0.469 acres of land be the same more or less.

EXCEPTING, however, from the above described parcel that portion thereof heretofore conveyed to D. Jobe, Inc. by deed dated September 30, 1957 and recorded in the Orange County Clerk's Office on October 3, 1957 in Liber 1441 of Deeds at page 373 more particularly bounded and described as follows:

BEGINNING at a stake set on the southerly bounds of State Route 207 leading from Newburgh to Little Britain, said stake being North 63° 44' East 292.6 feet from the northeast corner of lands of Vincent Bivona, Sr. and runs thence along lands now or formerly of Andrew Bivona South 13° 12' East 125 feet to a point and runs thence North 63° 44' East 6 feet to a point and runs thence North 13° 12' West 125 feet to a point on the southerly bounds of said state route 207 and runs thence along the southerly bounds of said state route 207 six feet to the point or place of beginning.

SUBJECT to grants of record to public utilities, if any.

SUBJECT to zoning ordinances and building regulations of the Town of New Windsor.

RIDER TO DEED
BIVONA TO MANS

ALL that certain piece or parcel of land, situate in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a stake set on the southerly bounds of State Route #207 leading from Newburgh to Little Britain said stake being North 63° 44' East 292.6 feet from the northeast corner of lands of Vincent Bivona, Sr., and runs from thence along the lands of Andrew Bivona South 13° 12' East 184.44 feet to a stake, thence along the same North 63° 44' East 110.0 feet to a stake on the westerly bounds of a proposed street, thence along the westerly bounds of said street North 5° 48' West 60.0 feet to an iron pipe, thence along the same North 16° 28' West 125.0 feet to an iron pipe on the southerly bounds of the aforementioned State Road, thence along said State Road South 63° 44' West 110.0 feet to the place of beginning, and containing 0.469 acres of land be the same more or less.

EXCEPTING, however, from the above described parcel that portion thereof heretofore conveyed to D. Jobe, Inc. by deed dated September 30, 1957 and recorded in the Orange County Clerk's Office on October 3, 1957 in Liber 1441 of Deeds at page 373 more particularly bounded and described as follows:

BEGINNING at a stake set on the southerly bounds of State Route 207 leading from Newburgh to Little Britain, said stake being North 63° 44' East 292.6 feet from the northeast corner of lands of Vincent Bivona, Sr. and runs thence along lands now or formerly of Andrew Bivona South 13° 12' East 125 feet to a point and runs thence North 63° 44' East 6 feet to a point and runs thence North 13° 12' West 125 feet to a point on the southerly bounds of said state route 207 and runs thence along the southerly bounds of said state route 207 six feet to the point or place of beginning.

SUBJECT to grants of record to public utilities, if any.

SUBJECT to zoning ordinances and building regulations of the Town of New Windsor.

BEING the same premises conveyed by Barbara Bivona to Charles J. Bivona by deed dated March 26, 1965 and recorded in the Orange County Clerk's Office in Liber 1705 of deeds at page 73 on March 29, 1965.

(Continued on Rider Page 2)

RIDER TO DEED

BIVONA TO MANS

LIBER 2136 PAGE 48

The aforesaid plot, piece or parcel of land was surveyed in a survey made by Sidney L. Horowitz, C.E., Licensed Professional Engineer and Land Surveyor, Monticello, New York at the request of the grantees herein and the grantor makes no representation as to the accuracy of said survey or of the following survey description:

BEGINNING at a point in the southerly line of N.Y.S. Route 207 said point being 528.36' easterly of the easterly line of Mt. Airy Rd., and at the northeasterly corner of lands now or formerly of Vincent Bivona, Sr., thence along said southerly line of N.Y.S. Route 207, N63°-44'E, 108.60', to a point, thence, along the southerly line of a parcel conveyed by Bivona to California Oil Co. on 27 Mar. 61 and recorded in Orange County Clerk's Office on 30 Mar. 61 in Deed Liber 1587 Pg 462, S81°-09'-40"E, 42.59', to a point, thence N63°-44'E, 23.5', to a point, thence along the westerly line of a parcel conveyed by Bivona to Bonomolo in Deed Liber 1340 Pg 543 dated 31 Mar. 55 recorded 1 Apr. 55, S24°-44'E, 97.30', to a point, thence N63°-44'E, 106.0', to a point, thence, along the easterly line of a parcel conveyed by Bivona to D. Jobe, Inc. in Deed Liber 1441 Pg 373 dated 30 Sept. 57 and recorded 3 Oct. 57, N13°-12'W, 125.0', to a point, thence along said southerly line of N.Y.S. Route 207, N63°-44'E, 108.37', to a point, thence, along the westerly line of Bivona Lane, S16°-28'E, 125.0', to a point, thence S5°-48'E, 260.15', to a point on the center line of a culvert crossing said Bivona Lane, thence, along the northerly line of lands now or formerly of Silver Stream Trailer Court, Inc. S63°-44'W, 429.85', to a point, thence, along the easterly line of said lands now or formerly of Vincent Bivona, Sr. and extension thereof, N6°-03'W, 391.0', to the point and place of beginning containing 3.2388 acres.

TOGETHER WITH the right of way and easement to use the 50 foot wide roadway adjoining the above described premises partially along its easterly side for all ordinary purposes of ingress and egress until such time as the said roadway becomes dedicated to and accepted by the Town of New Windsor as a public street.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Charles J. Bivona
Charles J. Bivona, M.D.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Charles J. Bivona *MD*
Charles J. Bivona, M.D.

STATE OF NEW YORK, COUNTY OF Orange

On the 2nd day of July, 1979, before me personally came Charles J. Bivona, M.D.

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Notary Public - State of New York

THOMAS J. BYRNE
Notary Public, State of New York
County of Orange
My Comm. Expires 12/31/80

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. 968 2160

CHARLES J. BIVONA, M.D.

TO

C.P. MANS

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came LIBER 2136 PAGE 30

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION

BLOCK

LOT

COUNTY OR TOWN

RETURN BY MAIL TO:

Raymond H. Bradford, Esq.
425 Robinson At North
Newburgh, New York

Zip No. 12550

Recording Office

THOMAS J. BYRNE
Notary Public, State of New York
County of Queens
My Comm. Expires 12/31/80

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No. ;

that he is the
of ;

the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No. ;

that he knows ;

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. 968 2160

CHARLES J. BIVONA, M.D.

TO

C.P. MANS

SECTION

BLOCK

LOT

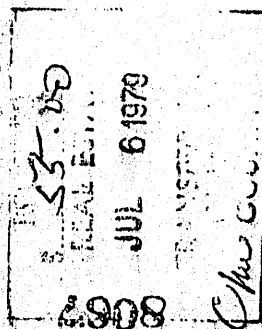
COUNTY OR TOWN

RETURN BY MAIL TO:

Raymond H. Bradford, Esq.
425 Robinson At North
Newburgh, New York

Zip No. 12550

Reserve this space for use of Recording Office.



67
JUL 10 1979
DEED
FILED
CLERK

Jack A. Schlesselman

OF NEW YORK STATE ROUTE 207

